

ATTENTION ATTENTION ATTENTION

Method of Refund:

Small E.

☐ **ACH/EFT**

☐ **Credit Card**

☒ **Deposit Account #** 501809

☐ **Treasury Check**

Patent/TM/App/Serial # 10/66,542

Program Area Publishing

Date Processed 9/27/2007

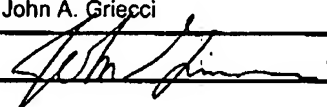
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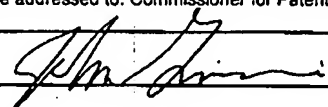
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/616,542	
	Filing Date	July 10, 2003	
	First Named Inventor	BUCHANAN	
	Art Unit	N/A	
	Examiner Name	N/A	
Total Number of Pages in This Submission	5	Attorney Docket Number	AVI 1010-02US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Assertion of Small Entity Status
Remarks Enclosed please find a Request for Refund of Overpayment of an issue fee and an Assertion of Small Entity Status in issued U.S. Patent 7,256,516.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Law Office of John A. Griecci		
Signature			
Printed name	John A. Griecci		
Date	September 12, 2007	Reg. No.	39,694

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	John A. Griecci	Date	September 12, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2007 SEP 19 PM 5:02

In the Patent of : BUCHANAN et al.
U.S. Patent No. : 7,256,516
Application No. : 10/616,542
Filed : July 10, 2003
Issued : August 14, 2007

Docket No. : AVI 1010-02US
Customer No. : 28327
Date: : September 12, 2007

Mail Stop: 16
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND
OVERPAYMENT OF ISSUE FEE

Dear Sir:

1. REFUND REQUEST

This is a request for a refund in the amount of \$700.00, with respect to the overpayment of an issue fee in the above-identified patent. The payment was mistakenly made at the large entity rate, when it should have been made at the small entity rate. This mistake was due to a misunderstanding as to whether the Assignee qualified as a small entity.

2. FEES PAID FOR WHICH REFUND IS REQUESTED

The overpayment was made on July 2, 2007, using PTO-2038 Credit Card Payment Form, in the amount of \$1,700.00 that included the issue fee (\$1,400.00) and the Publication Fee (\$300.00). The correct issue fee, for a small entity, is \$700.00. Assignee requests a refund of the difference (\$700.00) because the fee paid should have been in the amount for a small entity.

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700.00 OP

3. RELEVANT EVENTS

- a. On July 2, 2007, based on a misunderstanding of the size of the Assignee under section 3 of the Small Business Act, Assignee's attorney mailed an issue fee at the large entity rate in the amount of \$1,400.00 as part of the

Issue and Publication fees. This fee was paid by Credit Card Payment Form PTO-2038, and accompanied by Form PTOL-85 part B, Issue Fee Transmittal. On the PTOL-85 part B, Section 5(b) was marked that stated that Applicant (Assignee) no longer qualified for small entity status, per 37 C.F.R. 1.27 (g)(2).

- b. On August 4, 2007, Assignee's attorney was informed by Assignee that Assignee still qualified for small entity status under section 3 of the Small Business Act. Thus, the statement enclosed with the maintenance payment that stated Assignee no longer qualified for small entity status was made in error.

4. REMARKS

According to 37 C.F.R. 1.28, refunds for overpayment of fees based upon later establishment of small entity status can be made if an assertion under C.F.R. 1.27(c) and a request for refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The overpayment was timely paid on July 2, 2007, and thus this request for refund is made within the three month allowable period. Enclosed with this request, please find an assertion that Assignee qualifies for small entity status, as required under 37 C.F.R. 1.27(c).

Assignee's attorney therefore requests the refund of the \$700.00 overpayment.

5. MANNER OF REFUND

Assignee respectfully requests a refund of \$700.00 be refunded to the credit card on which it was originally charged. Alternatively, the refund may be made to Deposit Account No. 501809, the deposit account of Assignee's attorney.

Thank you for your assistance, and please call me if you have any questions
regarding this request.

Respectfully submitted,

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By: 

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John A. Griecci

Registration No. 39,694

For: The Law Office of John A. Griecci

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703 Pier Avenue, Suite B #657
Hermosa Beach, CA 90254
(310) 376-6527

In the Patent of : BUCHANAN et al.
U.S. Patent No. : 7,256,516
Application No. : 10/616,542
5 Filed : July 10, 2003
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15 Alexandria, VA 22313-1450

ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. 1.27(c)(1)

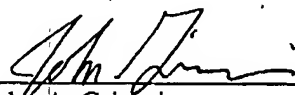
Dear Sir:
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Written notice is hereby given as required by 37 C.F.R. 1.27 (c)(1) that
AeroVironment Inc., assignee of the above-identified patent, is entitled to "small entity"
status for payment of fees in the above-identified U.S. patent.

25 Enclosed with this notice please find a request for refund of the overpayment of a
issue fee paid July 2, 2007, at the "non-small entity" rate.

Respectfully submitted,

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By: 
John A. Griecci
Registration No. 39,694
35 For: The Law Office of John A. Griecci

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